IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 471 OF 2007
IN
STAMP NUMBER MAIN NO. 970 OF 2007

SHRI. FAIZ AHMAD KHAN REPRESENTED BY ATTORNEY SHABHIR AHMAD KHAN AND 3 ORS., ... Applicants

Versus

MR. MADHU K. NAIK AND 2 ORS., ... Respondents

Mr. V. Palekar, Advocate for the applicants.
Mr. Vivian Braganza, Advocate for the respondents No. 1 & 2.
Mr. A. R. S. Netravalekar, Advocate for the respondent No.3.

Coram:- R. S. MOHITE, J.

Date:- 13th September, 2007

P.C.

This is an application for condonation of 8 day's delay in filing first appeal. It is contended that the applicants were residents of Uttar Pradesh and in the circumstances, after the judgment came to be passed on 30th November, 2006, they could come down to Goa in first week of April, 2007. It appears that they were appearing through power of attorney holder. It is sought to be contended that power of attorney holder has filed an execution proceeding prior to 29th March 2007 and in this execution proceeding, notice has been issued on 29.3.2007.

It is further contended that this appeal is filed through the same power of attorney holder. It is not controverted that these applicants are resident out of the State. It is conceivable that, power of attorney holder could have filed execution proceeding but the filing of appeal require further and different instructions. So far as appeal is concerned, since delay is of 8 days, I am inclined to condone the delay. The main first

appeal to be numbered and be placed on board for admission on 11th October, 2007. M.C.A. disposed off.

R. S. MOHITE, J.

SMA